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Notice of Allowability	Application No.	Applicant(s)	
	09/252,842	STYLLI ET AL.	
	Examiner	Art Unit	
	Brian J. Sines	1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 11/1/2004.
2. ☒ The allowed claim(s) is/are 1-3,6 and 20-24.
3. ☒ The drawings filed on 2/19/1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on 11/1/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Pat. No. 5,985,214 A has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

Claims 1 – 3, 6 and 20 – 24 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the cited prior art neither teach nor fairly suggest a high-throughput chemical screening system comprising: a chemical library comprising storage locations for a plurality of multiwell plates, wherein each of the plates comprise individual wells; a computer controlled chemical well retriever for programmable selection and retrieval of at least one of the plates; a transport path coupled to the chemical library for receiving at least one plate from and returning at least one plate to the chemical library; and a plurality of automated liquid handling devices having aspiration/dispensation heads operatively coupled to the transport path, wherein the high-throughput screening system is configured to process at least approximately 25,000 chemical samples in a 24 hour period; wherein the system is programmable via a user interface to retrieve and handle either samples from every one of the chemical wells contained within at least one plate or samples from a subset of chemical wells within at least one plate.

Regarding claim 20, the cited prior art neither teach nor fairly suggest a high-throughput chemical screener apparatus comprising: a chemical library comprising storage locations for at least 1,000 multiwell plates; a computer controlled chemical retriever for programmable

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selection and retrieval of selected plates; a transport path coupled to the chemical library; a plurality of automated liquid handling devices having aspiration/dispensation heads coupled to the transport path, wherein the screener is programmable via a user interface to retrieve and handle either the samples from every one of the wells of an entire multiwell plate or the samples from a subset of wells within the plates.

Regarding claim 22, the cited prior art neither teach nor fairly suggest a chemical storage apparatus comprising: a plurality of storage locations for chemicals; a moveable automated chemical retriever comprising a robotic apparatus configured to retrieve chemicals from the storage locations; a chemical storage buffer coupled to an moving with the moveable automated chemical retriever, wherein the chemical storage buffer is configured for receiving and temporarily storing chemicals retrieved from the storage locations by the robotic apparatus.


Regarding claim 24, the cited prior art neither teach nor fairly suggest a high-throughput chemical screening system comprising: a chemical library comprising storage locations for at least 1,000 multiwell plates, wherein each plate comprises individual wells for containing chemical samples, such that the library comprises of at least 100,000 addressable wells; a computer controlled chemical well retriever for programmable selection and retrieval of at least one plate; a transport path coupled to the chemical library; and a plurality of automated liquid handling devices having aspiration/dispensation heads coupled to the transport path; wherein the system is programmable via a user interface to retrieve and handle either the samples from every one of the wells of at least one plate or the samples from a subset of wells from within at least one plate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Sines, Ph.D. whose telephone number is (571) 272-1263. The examiner can normally be reached on Monday - Friday (11 AM - 8 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jill Warden
Supervisory Patent Examiner
Technology Center 1700